

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 10-06E

FROM: Joseph Patrissi, Deputy Commissioner
Economic Services Division

DATE: June 16, 2010

SUBJECT: General Assistance Burial Rules
General Assistance Burial Procedures

CHANGES ADOPTED EFFECTIVE 7/1/2010

INSTRUCTIONS

- ☒ **Maintain Manual - See instructions below.**
☐ **Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
☒ **Information or Instructions - Retain Until 10/31/2010**

MANUAL REFERENCE(S):

2671	2673	2675	2677
2672	2674	2676	P-2690

This bulletin proposes changes to General Assistance rules on burials at public expense to implement the legislative directives in H.789, "An Act Making Appropriations for the Support of Government," (June 3, 2010). The bulletin is filed in accordance with the emergency rulemaking process authorized in section E.321.4 of that bill.

This bulletin proposes to change the Department for Children and Families' practice of paying for burials authorized under 33 VSA §2301 by implementing a maximum payment by the department of \$1,100 designed to cover the full cost of a basic burial or cremation. The department may approve eligibility for financial assistance with burial expenses when available resources of the deceased and surviving spouse are less than this maximum payment. The funeral director and the party making the funeral arrangements must both sign an invoice attesting to an itemized accounting of burial expenses. Family, friends, or other individuals may pay for additional services not paid for by the department.

This bulletin proposes to specify the amount of the maximum payment by reference to General Assistance burial procedures.

Specific Changes to Rule Sections

Table of Contents	Replaces Allowable Expenses, Burial with Maximum Payment for Burial Expenses at 2674.
2671	Modifies definition of “burial” and adds definition of “funeral.” Replaces reference to obsolete district manager position with the general term “the department.”
2672	Replaces reference to obsolete district manager position with the general term “the department.”
2673	Replaces eligibility requirement B specifying that the deceased lacks sufficient resources to pay all of the total allowable burial expenses with the requirement that the available resources of the deceased and the surviving spouse are less than the department’s maximum payment for burial expenses. Removes requirement C. Replaces reference to obsolete section on “Provision for Payment” with reference to section 2676, <u>Payment for Burial</u> .
2674	Changes subsection name from <u>Allowable Expenses, Burial</u> to <u>Maximum Payment for Burial Expenses</u> . Modifies subsection 2674 to make it consistent with Vermont law that the department will not pay any burial expenses if the available resources of the deceased and the surviving spouse equal or exceed the department’s maximum payment for burial. Adds provision that other individuals may contribute toward burial and funeral expenses. Removes references to professional services and interment and other related services and to the maximum amount that funeral directors may charge for professional services specified in procedures at P-2690.
2674.1	Removes subsection 2674.1, <u>Professional Services, Burial</u> .
2674.2	Removes subsection 2674.2, <u>Other Expenses, Burial</u> .
2675	Adds clarification that “total resources” means the assets of the deceased and surviving spouse. Replaces “total allowable expenses” with “maximum payment for burial expenses” as the resource limit for eligibility. Removes “contributions” from the list of types of liquid or available resources.
2676	Removes references to obsolete <u>Professional Services Allowable Total Maximum</u> and <u>Professional Services Payment Maximum</u> in procedures. Removes references to payments for specific items. Adds provision that friends or relatives may contribute toward burial expenses not paid by the department, the deceased, or the surviving spouse.
2677	Modifies the requirement for an itemized accounting by specifying that the appropriate billing form must be signed by the funeral director and the party making the funeral arrangements. Removes provision requiring additional invoices for “other related expenses.”

Specific Changes to Procedures

Table of Contents	Replaces “Allowable Burial Expenses” at P-2690 with “Maximum Payment for Burial Expenses.”
P-2690	Renames subsection P-2690 “Allowable Burial Expenses” as “Maximum Payment for Burial Expenses.” Adds \$1,100 limit on General Assistance payment for burial expenses for an eligible individual. Removes obsolete limits on Professional Services and Other Expenses.

Emergency Rulemaking Process

The department filed this emergency rule with the chairman of the Interagency Committee on Administrative Rules (ICAR) on June 15, 2010.

The department expects to notify funeral directors no later than June 17, 2010 of the availability of the rule for review on the Agency of Human Services web site.

A public hearing was held on June 21, 2010 in the Department for Children and Families Commissioner’s Conference Room, State Office Complex, Waterbury, Vermont.

Written comments could be submitted no later than 4:30 p.m. on June 23, 2010 to Stella Bukanc, Policy Analyst, Economic Services Division, DCF, 103 South Main Street, Waterbury, VT 05671-1201, stella.bukanc@ahs.state.vt.us.

The department expects to file this emergency rule with the Legislative Committee on Administrative Rules (LCAR) and the Secretary of State’s Office on June 30, 2010.

The department will post the emergency rule on the Agency of Human Services website at <http://humanservices.vermont.gov/on-line-rules> and notify advocates, funeral directors, and members of the public of the proposed rule.

Manual Maintenance

General Assistance Rules

<u>Remove</u>		<u>Insert</u>
TOC 2600 P.2	(02-10)	TOC 2600 P.2 (10-06E)
2671	(02-10)	2671 (10-06E)
2672	(02-10)	2672 (10-06E)
2673	(02-10)	2673 (10-06E)
2674	(89-40F)	2674 (10-06E)
2674 P. 2, P.3	(02-10)	Nothing
2675	(84-65)	2675 (10-06E)
2676	(89-40F)	2676 (10-06E)
2677	(02-10)	2677 (10-06E)

General Assistance Procedures

Remove

TOC	(97-43)
P-2690	(08-26)
P-2690 P.2	(08-26)

Insert

TOC	(10-06E)
P-2690	(10-06E)
Nothing	

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Burial Arrangements

2671 Burial Arrangements (07/01/2010, 010-06E)

For purposes of rules 2670 through 2677, “burial” means the final disposition of human remains including interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite. “Funeral” means the ceremonies prior to burial by interment, cremation, or other method.

The department shall make the decision on eligibility and level of payment; and shall be responsible for making the burial arrangements in situations where no relative, friend, or interested person is available. Unless the decedent or the decedent’s family has expressly requested an alternative arrangement, the decedent’s body shall be cremated. It is not the policy of the department to make bodies available for the advancement of anatomical science in those instances when no family or friends are known. Autopsies are performed only under regulations of the State pathologist, who pays related expenses.

Application for Burial

2672 Application for Burial (07/01/2010, 010-06E)

The department will cooperate with the funeral director, other agencies and persons to obtain information to determine in a specific instance whether or not the department will be responsible for all or part of the payment of burial expenses.

Burial Eligibility

2673 Burial Eligibility (07/01/2010, 010-06E)

Eligibility for department financial participation in burial expenses shall be approved when all of the following requirements are met:

- A. Department for Children and Families is responsible under the provision of 33 VSA § 2301 and
- B. Available resources of the deceased and the surviving spouse (2675) are less than the maximum payment for burial expenses.

Payment of burial expenses shall not be issued until a full accounting of burial expenses and resources has been completed and the department has determined that the burial fulfills the provisions at 2676, Payment for Burial, and payments made will not exceed the maximums prescribed in procedures section P-2690.

Maximum Payment for Burial Expenses

2674 Maximum Payment for Burial Expenses (07/01/2010, 010-06E)

The department will pay no more than the maximum specified in Procedures at P-2690 for burial expenses for an eligible individual. If available resources of the deceased and the surviving spouse (2675) equal or exceed the maximum payment, the department will not pay any burial expenses. This provision does not preclude the funeral director from accepting contributions from other individuals toward burial and funeral expenses.

Any change in the dollar amount specified in Procedures P-2690 for the Maximum Payment for Burial Expenses that represents an increase relative to the dollar amount that immediately precedes the change shall be carried out via a procedures change. Any change in the dollar amount specified in Procedures P-2690 for the Maximum Payment for Burial Expenses that represents a decrease relative to the dollar amount that immediately precedes the change shall be accomplished only by following the Administrative Procedures Act process for regulatory changes.

Resources, Burial

2675 Resources, Burial (07/01/2010, 010-06E)

Payment will be denied if the available resources of the deceased and surviving spouse equal or exceed the maximum payment for burial expenses. "Available resources" are "total resources" less a \$255 disregard.

The department representative will explore the existence and availability of all resources. Since many death benefits are negotiable by a surviving spouse or other individual, it is essential that a clear understanding exists that such benefits shall be deducted from the allowable expenses in accordance with the provisions for payment.

Liquid or available resources include, but are not limited to, the following: stocks, bonds, cash on hand or in a bank or other financial institution, lump sum death benefits, proceeds of life insurance policies, and employee death benefits. Such resources are available to pay burial expenses and must be treated in accordance with the section on provisions for payment. Available resources shall not include contributions that family other than the deceased's spouse or friends provide to the funeral director.

When the deceased individually owns real or personal property (other than the above), the value of which exceeds the total cost of burial, the request for burial payment shall be denied if there was no surviving spouse or dependent children residing with the deceased at the time of his or her death. If the value of such real or personal property does not exceed the total cost of burial, it shall be disregarded.

Payment for Burial

2676 Payment for Burial (07/01/2010, 010-06E)

Contributions from friends or relatives may be used to pay burial expenses not paid by the department, the deceased, or the surviving spouse.

Available resources of the deceased and contributions by the surviving spouse, including the \$255 in disregarded resources if used as a contribution to burial expenses, shall be applied against those expenses for which the department would be responsible for the purpose of reducing the maximum payment for burial expenses.

Towns and funeral directors requesting reimbursement for burial expenses under Vermont law must do so on the appropriate departmental billing form. Reimbursement to a town is made on an "as paid" basis up to a maximum of \$250.00 for total burial expenses.

Payment Process, Burial

2677 Payment Process, Burial (07/01/2010, 010-06E)

Payment shall be authorized only when an itemized accounting of specific burial expenses that are to be provided at public expense is received at State Office on the appropriate billing form that includes the signatures of the funeral director and the party making the funeral arrangements.

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P-2690

P-2690 Maximum Payment for Burial Expenses (2673)

GA will pay no more than \$1,100 for burial expenses for an eligible individual.

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